

REMARKS/ARGUMENTS

In response to the Office Action mailed January 25, 2005, Applicants amend their application and request reconsideration. In this Amendment claim 1 is amended and new claim 8 is added so that claims 1 and 8 are now pending.

Before discussing the claim amendments, the Applicants revert to the previous Official Action and the Response at page 7. That Response stated, among other things, that support in the application for the language added to claim 1 was not pointed out. The Examiner concluded that the description came from Figure 13. In fact, the fourth paragraph of the remarks in the previous Amendment, at page 7, stated that the amendment of claim 1 was derived from the description in the patent application pertaining to Figure 14 and the passage in the specification from page 24, line 27 through page 26, line 19. The claim amendments presented previously and those presented here are supported by the application as filed. Careful attention to these and the former Remarks is respectfully requested.

In this Amendment part of the language added to claim 1 in the previous amendment is excised from that claim and appears in new claim 8. Claim 8 is supported by the same portions of the original disclosure previously cited as supporting the previous amendment of claim 1. Further, claim 1 is additionally amended by describing an important feature of the invention, namely that, because of the shapes of the aspherical reflection surface and the aspherical lens surface, the divergence angles of light rays closer to the optical axis at the outgoing surface of the lamp front glass are smaller than the divergence angles of light rays remote from the optical axis at the outgoing surface of the lamp front glass. This description is supported in the original specification with regard to Figures 15 and 16 and the text appearing from page 27, line 29 through page 32, line 12. Particular attention is directed to the part of that description from page 28, line 23 to page 30, line 22 of the patent application, all of which concerns what is described as the Second Embodiment of the invention.

Examined claims 1 and 2 were rejected as anticipated by Bierhuizen et al. (U.S. published patent application 2003/0214617, hereinafter Bierhuizen). The other examined claims, claims 3-7, were rejected as obvious over Bierhuizen in view of Levis et al. (U.S. Patent 5,884,991, hereinafter Levis). Claim 1 is the only pending independent claim and the rejection of claims 3-7 is founded upon the assertion that claim 1 is anticipated by Bierhuizen. Thus, the following remarks focus on that reference. If Bierhuizen does not anticipate claim 1, then the rejection of claim 1 and the rejections of claims 2-7 must be withdrawn.

The application of Bierhuizen to examined claim 1 is fundamentally understood. The Examiner is directing attention to the embodiment of Figure 6 of Bierhuizen and the limited

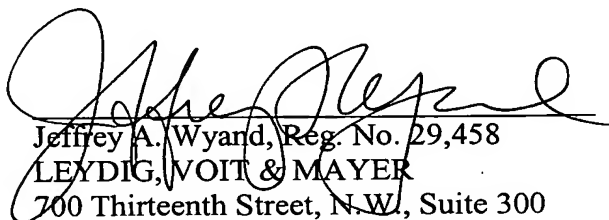
description of that embodiment appearing in paragraphs [0063] and [0064] of Bierhuizen. In applying Bierhuizen and asserting anticipation, the Examiner has engaged in a certain amount of interpolation for want of express disclosure in Bierhuizen. For example, Bierhuizen never describes the reflector 138 as ellipsoidal although the reflector 138 is described as an aspherical reflector. The fact that an ellipsoid of revolution has a rotational symmetry about the optical axis does not mean that the lamp reflector 138 is ellipsoidal. For example, revolution of a hemisphere and other symmetrical geometric curves about an optical axis would also produce a surface having a rotational symmetry. The rejection is therefore clearly erroneous based on the unfounded assertion that Bierhuizen reflector 138 is ellipsoidal.

The final paragraph on page 4 of the Office Action, however, goes beyond reasoned interpolation. According to that paragraph, the reflector and lens system of Bierhuizen suppresses the distribution of divergence angles of the light flux at the outgoing surface of the lamp front lens. How the Examiner has made that determination is unknown. The Examiner points out that Bierhuizen in paragraph [0063] refers to "overfill", stating that the system disclosed results in minimum overfill or reduced or eliminated overfill. According to the Examiner, "Bierhuizen teaches in paragraph [0063] that the combination of the lens and reflector is to focus the light onto a point with minimum overfill (suppression of distribution of divergence angles or to completely eliminate it)". Unfortunately, Bierhuizen never discloses what is meant by "overfill". No explanation of that term based upon a prior art publication or even the Examiner's personal knowledge of the art was supplied in the Office Action. Without such information it is apparent that the Examiner has read the sole paragraph of Bierhuizen that uses the term "overfill" to have a particular meaning, not supported in the Office Action, and converted that meaning to refer to distribution of divergence angles without basis for the conversion. That assertion and the resulting rejection seems to be an almost classic case of hindsight reconstruction, i.e., reading explanation into the prior art which is not present there to meet a claim limitation.

Even if the ground of the rejection of former claim 1 were justified, a ground that has been and continues to be traversed by Applicants, that ground of rejection cannot properly be maintained as to amended claim 1 presented here. The Examiner cannot properly maintain the rejection without, at a minimum, providing extrinsic evidence attempting to demonstrate that Bierhuizen stands for the proposition for which it was cited in the previous Office Action and that that proposition is sufficient to meet the limitations of amended claim 1. Otherwise, the claims must be allowed or a new rejection, not necessitated by this Amendment, must be made.

Since the prior rejection was erroneous and the rejection is even more clearly improper with regard to the amended claim 1 presented here, upon reconsideration, all of claims 1-8 should be allowed.

Respectfully submitted,


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